

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
_____)

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:)

Suits Naming the Tennessee Clinic)
Defendants)
)

NOTICE OF SERVICE OF MOTION ON NON-PARTY

Defendants Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN, CNOR; Vaughan Allen, MD; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; Kenneth Lister, MD, PC; and Donald E. Jones, MD (collectively "Tennessee Clinic Defendants") give notice to the Court and to all parties of the following:

1. On April 14, 2015, the Tennessee Clinic Defendants filed their Motion to Compel, entered by ECF at Dkt. 1775. The Motion to Compel asks the Court to compel the Food and Drug Administration ("FDA") to produce documents and oral testimony pursuant a FRCP 30(b)(6) notice and subpoena.¹

2. On April 14, 2015, the Tennessee Clinic Defendants served David Glass, counsel for the FDA and for the federal prosecutors handling the NECC criminal matter, with a copy of the Motion to Compel and the exhibits by email and by facsimile. Mr. Glass has acknowledged receipt of the Motion to Compel.

¹ Dkt. 1775.

3. On April 15, 2015, counsel for the Tennessee Clinic Defendants notified Mr. Glass of the Order of the Court at Dkt. 1776 regarding a briefing schedule and hearing date for the Motion to Compel.

4. Attached as an exhibit to this Notice is a Certificate of Service certifying service of the Motion to Compel on Mr. Glass. The Tennessee Clinic Defendants file this Certificate of Service per the Court's Order at Dkt. 1776 to certify that counsel for the Government has been served with the Motion to Compel.

5. A copy of this Notice has also been served on Mr. Glass by electronic mail.

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

/s/ Chris J. Tardio

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***Attorneys for the Tennessee Clinic
Defendants***

* Admitted pursuant to MDL Order No. 1.

** Admitted *pro hac vice*.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 16th day of April, 2015.

This document was also served by electronic mail on:

David Glass
Department of Justice, Civil Division
20 Massachusetts Avenue NW
Room 7200
Washington, DC 20530-0001
david.glass@usdoj.gov
Counsel for FDA
and for NECC federal prosecutors

/s/ Chris J. Tardio
Chris J. Tardio

EXHIBIT

**[CERTIFICATE OF SERVICE OF
MOTION TO COMPEL]**

CERTIFICATE OF SERVICE

I hereby certify that the Tennessee Clinic Defendants' Motion to Compel filed through the CM/ECF system on April 15, 2015, was served electronically to the registered participants identified on the Notice of Electronic Filing the 15th day of April, 2015.

This document was also served on April 15th, 2015, by electronic mail and facsimile on:

David Glass
Department of Justice, Civil Division
20 Massachusetts Avenue NW
Room 7200
Washington, DC 20530-0001
david.glass@usdoj.gov
Counsel for FDA
and for NECC federal prosecutors

/s/ Chris J. Tardio
Chris J. Tardio